

Indiana State Advisory Council
on the Education of Children with Disabilities (SAC)

PENDING APPROVAL

September 17, 2010
Indiana Department of Education
151 W. Ohio Street
Indianapolis, IN 46204

Advisory council members present:

Rich Burden, Director, IN*SOURCE
Dr. Dawn Downer, Director, First Steps
Christina Endres, McKinney-Vento State Coordinator, Indiana Department of Education (IDOE)
Dr. Karol Farrell, SAC Chairperson, Director of Special Education, MSD of Washington Twp.
Dr. David Geeslin, Superintendent, Indiana School for the Deaf
Marcia Johnson, Principal, Indianapolis Public Schools
Becky Kirk, Parent Representative
Lisa Kovacs, Program Coordinator, Guide by Your Side
Dr. J. Bret Lewis, Superintendent, South Montgomery Community School Corporation
John Nally, Director, Indiana Department of Correction
Kristi Tesmer, Parent Representative

Advisory council members not present:

Shirley Amond
James Hammond
Cathlene Hardy Hansen
Julie Havill
Bessie Henson
Jan Huffman
Becky Kirby
Kathy Mears
Jenny Ridao
Dr. Jane Swiss
Thelma Wyatt

IDOE Personnel Present:

Ryan Brown, Office of Special Education
Anne Davis, Director, Office of Special Education
John Hill, Office of Special Education
Amy Starzynski, Office of Special Education

Meeting:

K. Farrell called the meeting to order at 9:09 a.m.

K. Farrell asked the Council for opinion regarding rearranging the agenda for the meeting. K. Farrell said there were not enough members to achieve a quorum, so the group should start with information regarding local determinations.

R. Brown said that IDEA 2004 requires all State Education Agencies (SEAs) to make annual local determinations that note the status of Indiana LEAs efforts to meet the requirements of IDEA 2004.

R. Brown said that local determinations were based on data from the past two years.

R. Brown explained the four possible determinations categories and the ramifications of each category.

R. Brown referenced the handout for the presentation, and noted the eight scoring categories and the criteria for being scored in each. The categories are: Disproportionality in Special Education, Disproportionality in Special Education Category, Initial Evaluation Timelines, Early Childhood Transition, Post-secondary Transition IEPs, Timely and Accurate data submission, Correction of Noncompliance and Fiscal/audit findings.

R. Brown said that federal regulations allow for flexibility in making determinations and that all SEAs make determinations using different scoring systems.

R. Brown said that the SAC's Local Determinations' subcommittee met, reviewed the previously used scoring system and discussed how to improve the process.

R. Brown referenced the presented materials and described the proposed scoring system and how it will impact districts. R. Brown asked the Council for input into establishing cutoffs for each determination category.

B. Lewis stated that the four determination categories were very negative towards LEAs, with the best possible outcome equal to neutrality. He stated that there should also be a category for high performing LEAs.

R. Brown responded that the categories are required by IDEA and the IDOE does not have the prerogative to change the category names. R. Brown also stated that it was a good suggestion, and the group could possibly examine methods of recognizing high-performing LEAs.

K. Farrell asked R. Brown if he could investigate the idea for the November 5, 2010 Council meeting and report to the Council on possible solutions. R. Brown agreed.

L. Kovacs asked if all local determination information would be made public.

R. Brown said the determinations will be posted on the website. He also stated that the IDOE would look at sharing the determinations via the superintendent and principals mailings. He also said the group could also explore how best to post the information for parents.

C. Endres recommended that the Learning Connection might be a positive way to get the message to parents and that the parent site was now up and running.

R. Brown walked the group through the potential scoring rubric, drawing attention to the scoring mechanism. R. Brown also shared approximately how many districts were out last year on each Indicator during the referenced time period.

R. Brown explained that in the new system substantial compliance works in a district's favor. R. Brown also explained how A133 audit findings can impact districts.

R. Brown explained the category of corrected noncompliance and how it is the most heavily weighted category.

K. Farrell suggested changing "outstanding noncompliance" to "ongoing noncompliance" to make it more clear. K. Farrell asked if the council agreed; R. Brown and the Council agreed.

K. Tesmer asked about the discussion that took place at the subcommittee meeting whereby the thought was to give leniency and take into account scoring districts with ongoing noncompliance that have improved significantly since the initial finding.

J. Hill explained that OSEP allows for flexibility in the IDOE's sanctions, but not in the determination.

L. Kovacs and B. Kirk asked about the IDOE's sanctions against LEAs and if at any point there have been fiscal sanctions. R. Brown and A. Davis explained that Indiana has not reached that point, but neither has the federal government and that states are following the federal government's lead. Additional information was shared regarding the requirement of using 15% for CEIS for those districts that are noncompliant in the area of significant disproportionality.

R. Brown directed the Council to review the spreadsheet based on the potential scoring guide. R. Brown advised the council that the data related to these schools is not public information and to keep the information confidential until the time determinations are made and that information becomes public.

K. Mears asked why the list of LEAs provided was limited and not all the districts were included.

R. Brown explained that the DOE is still waiting on information from WestEd, the organization reviewing Indiana Transition IEPs, and the final data was still need.

K. Tesmer expressed her concern that Article 7 repealed the need for the SAC to review districts' comprehensive plans.

K. Farrell pointed out that comprehensive plans are no longer required by Article 7.

K. Farrell asked K. Tesmer if she would like the Council to discuss the issue of the comprehensive plans at a later meeting.

C. Endres asked if part of the IDOE's sanctions could be that if an LEA has ongoing noncompliance that the LEA be required to present their plan to the Council.

J. Hill said it would be worthwhile to look at adding the SAC review of comprehensive plans to the sanctions the IDOE may impose.

M. Johnson asked if the noncompliance in initial evaluations was because of not meeting deadlines, or if districts could not find certified people to conduct the evaluations.

R. Brown explained that in most situations, noncompliance is caused by minor clerical errors.

M. Johnson shared her feelings that she is glad the DOE is taking everything into consideration as they work with districts addressing noncompliance.

R. Burden addressed that the conversation we are currently having is very complex. He pointed out the committee wants to find ways to address the concerns, but that may have to be a part of how the DOE works with an identified LEA to address their concerns. He explained the first issue is “did you make it or not”, then “are there extenuating circumstances?” that need to be addressed in the correction of noncompliance.

B. Kirk said she was concerned that a number of districts are noncompliant.

A. Davis explained that the past two times determinations were made they were made differently and that the IDOE needs to establish a consistent model for making determinations. A. Davis also stated that since this method is new this year, the IDOE would like to come back after the determinations are made to share what worked and ask the council for their input to address those areas.

R. Brown explained that in order to make determinations proportionate to the State of Indiana, 2-10 schools will need to receive a Needs Substantial Intervention determination because the state and its LEA determinations should be reflective.

M. Johnson asked for clarification of where the cutoff could possibly be made.

D. Downer had concern that a district could have a number of findings and could still receive a determination of Meets Requirements.

A. Davis responded that the IDOE could investigate adding setting limits to each category based on the number of findings for an LEA.

B. Kirk was concerned that even though the meeting time was up the business of examining local determinations was unfinished.

K. Farrell explained that the Council’s responsibility was for information and input only. She then asked if anyone would show by a raise of hands if an additional meeting was wanted. None responded affirmatively.

ADJOURNMENT

The meeting adjourned at 10:31 a.m.